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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,850	07/22/2003	Felix Bator	F-673	1866
7590 04/02/2009				
Brian A. Lemm Pitney Bowes Inc. 35 Waterview Drive P.O. Box 3000 Shelton, CT 06484-8000		EXAMINER BORISSOV, IGOR N		
		ART UNIT 3628		
		MAIL DATE 04/02/2009		
		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,850

Applicant(s)

BATOR ET AL.

Examiner

Igor N. Borissov

Art Unit

3628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of the Appeal Brief filed on 12/08/2008 PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/John W Hayes/
Supervisory Patent Examiner, Art Unit 3628

Claims 4-8 and 10-13 have previously been canceled. Claims 1-3, 9 and 14 are currently pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Leon (Provisional Application 60/165,885 filed on Nov. 16, 1999).

Claims 1 and 14. Leon teaches:

obtaining, by the vendor, a meter license from a postal service, said meter license being associated with a meter account assigned to the vendor, said meter account being maintained at a data center (obtaining by the vendor a postal secure device (PSD) indicates obtaining, by the vendor, a meter license from a postal service P. 5, L. 6-7; P. 7, L. 23-25);

receiving, via the network, a transaction request for postage from a customer using the remote personal computer, the customer not having a meter license from the postal service, said transaction request including information from the customer, said information corresponding to the transaction requested and payment method (Option One/PostagePlus does not requires obtaining a meter license by a consumer, and is not supplied with PSD). The consumer access an account via the Internet to purchase a postage on as-needed basis, payment may be made by a credit card; P. 5, L. 11-15; P. 6, L. 32; P. 7, L. 21-25);

processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor (the consumer access an account via the Internet to purchase a postage on as-needed basis, payment may be made by a credit card; P. 5, L. 11-15; P. 6, L. 32);

effecting payment for the transaction based on the information received from the customer (the consumer access an account via the Internet to purchase a postage on as-needed basis, payment may be made by a credit card; P. 5, L. 11-15);

receiving the evidence of postage payment created by the data center (the consumer access an account via the Internet to purchase a postage on as-needed basis, payment may be made by a credit card; P. 5, L. 11-15);

sending the evidence of postage payment to the remote personal computer for use by the customer (the consumer access an account via the Internet to purchase a postage on as-needed basis; P. 5, L. 11-15);

wherein the customer can obtain postage from the vendor without having a meter license from the postal service (Option One/PostagePlus does not requires obtaining a meter license by a consumer; P. 7, L. 21-25).

Claim 3. The method of claim 1, wherein the information from the customer includes a username, password (account) and credit card information whereby a personal account is established for subsequent transactions (Leon, P. 5, L. 11-15; Figs. 4 and 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon in view of Ananda (US 6,385,731 B2).

Claim 2. Leon teaches all the limitations of claim 2, except determining an origin of deposit postal code for the requested transaction.

Ananda teaches a secure on-line postage metering method and system, including a database that records postage purchased and used for each customer, including origin information (an origin of deposit postal code) and destination information for each postage generated by the postage metering system (C. 22, L. 18-21).

Therefore, it would have been prima face obvious to one having ordinary skill in the art at the time the invention was made to modify Leon to include determining an origin of deposit postal code for the requested transaction, as disclosed in Ananda, because it would advantageously allow to implement statistical monitoring to detect attempted fraud, as specifically stated in Ananda (C. 22, L. 31-32).

Furthermore, it would have been obvious to one of ordinary skill in the art to include in the system of Leon the ability to determine an origin of deposit postal code for the requested transaction, as taught by Ananda, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 9. Leon teaches all the limitations of claim 9, except that the origin of deposit postal code is included in the information from the customer.

Ananda teaches said database that records postage purchased and used for each customer, including origin information (an origin of deposit postal code) and destination information for each postage generated by the postage metering system (C. 22, L. 18-21).

Therefore, it would have been prima face obvious to one having ordinary skill in the art at the time the invention was made to modify Leon to include that the origin of deposit postal code is included in the information from the customer, as disclosed in Ananda, because it would advantageously allow to implement statistical monitoring to detect attempted fraud, as specifically stated in Ananda (C. 22, L. 31-32).

Furthermore, it would have been obvious to one of ordinary skill in the art to include in the system of Leon that the origin of deposit postal code is included in the information from the customer, as taught by Ananda, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Response to Arguments

Applicant's arguments, see pages 5-9, filed 12/08/2008, with respect to the rejection(s) of claim(s) 1-3, 9 and 14 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly obtained prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/
Primary Examiner, Art Unit 3628
03/28/2009